IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 2865 OF 2002.

PETITIONER : R.S. Verma,
S/o. Shri Ayodhya Prasad Verma,
Aged about 62 years, Progress
Assistant (Retd.) R/o. Harra
Padav, Near Vetenary Hospital,
Keshkal, Distt. Bastar (C.G.).

P.R. No. 29/12/02
Presented by Shri Prafull Bharat
dated 16.12.02

V E R S U S

RESPONDENTS : 1. State of Chhattisgarh,
through : The Secretary,
Finance Department Mantralaya,
D.K.S. Building
RAIPUR, (CHHATTISGARH).

2. The Director,
Economics and Statistical
Directarate, BHOPAL (M.P.).

3. The Director,
Economics and Statistical
Directarate, RAIPUR (C.G.).

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.2805 OF 2002

Petitioner	:	R.S. Verma
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. Prafull Bharat, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for respondents No.1 and 3.
None appears for respondent No.2.

ORDER
(Passed on 29th of August, 2006)

The petitioner was employed as Lower Division Clerk by order dated 7-5-1960 (Annexure P-1). Pursuant to advertisement for appointment on the post of Progress Assistant, the petitioner, along with others, applied for and was selected by order dated 10-12-1963 (Annexure P-3). He was relieved from the post of Lower Division Clerk to join his new appointment on the post of Progress Assistant by order dated 1-1-1964 (Annexure P-4), wherein it was clearly stated that the petitioner was not entitled to L.P.C. as the appointment of the petitioner on the post of Progress Assistant was a

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fresh appointment. The petitioner was appointed on the post of Progress Assistant on a pay-scale of Rs.115-220. Thereafter, on absorption of his services in the Directorate of Economics and Statistics, higher pay-scale of Rs.220-375 was granted to the petitioner on 30-4-1981 (Annexure R-2). The petitioner continued on the same pay-scale of Rs.220-375. The petitioner thereafter continued on the same post without having any opportunity of promotion. The petitioner was granted first Kramonnati on 7-3-1987 (Annexure P-7) with effect from 5-4-1983 on the scale of Rs.680-1120 after completion of 12 years of service. The State Government, keeping in view stagnation in the pay-scale, floated a scheme for grant of Kramonnati by Circular dated 17-3-1999/19-4-1999 (Annexure R-1), wherein it was clearly provided that if an employee has not received two higher pay-scales during his service-time, he would be entitled to second Kramonnati after a period of 24 years. Admittedly, the petitioner has worked for more than 36 years with one higher pay-scale (Kramonnati). The petitioner was not granted second higher pay-scale (Kramonnati). Accordingly, he was entitled to two Kramonnatis under the provisions of Circular dated 17-3-1999/19-4-1999 (Annexure R-1).

2. Case of respondents No.1 and 3 is that first pay-scale, i.e., Rs.115-220 granted to the petitioner on his appointment as Progress Assistant, which was a new appointment, be treated as

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grant of first higher pay-scale and thereafter grant of second pay-scale on absorption, i.e., Rs.220-375 be treated as second higher pay-scale. Contention of respondents No.1 and 3 deserves to be rejected on the face of it, as the relieving order dated 1-1-1964 (Annexure P-4) clearly provides that the appointment of the petitioner on the post of Progress Assistant was a new appointment. Thus, the pay-scale granted earlier has nothing to do with the appointment of the petitioner on the post of Progress Assistant.

3. The petitioner was granted only one higher pay-scale (Kramonnati), i.e., Rs.680-1120 on 7-3-1987 (Annexure P-7). Bare reading of Circular dated 17-3-1999/19-4-1999 (Annexure R-1) makes it clear that if an employee stagnates on one pay-scale for 12/24 years and is not granted two higher pay-scales, the employee will be entitled to two Kramonnatis. The petitioner has been granted one higher pay-scale (Kramonnati).

4. The respondents are directed to grant one more Kramonnati to the petitioner in accordance with Circular dated 17-3-1999/19-4-1999 (Annexure R-1).

5. Accordingly, the petition is allowed with costs quantified to be Rs.5,000/- (Rupees Five Thousand).

Certified copy as per rules.

Sd/-
Satish K. Agnihotri
Judge